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using an interactive music application implemented at least in part on the user music equipment to direct the obtaining of the music information on the second music program; and displaying the music information on the second music program using the interactive music application while the first music program is being played by the user music equipment.

REMARKS

The Office Action objected to the title of the invention as not being descriptive. Applicant has replaced the title with one which is clearly indicative of the invention to which the claims are directed.

In response to a July 16, 2002 Restriction Requirement, applicant elected claims 29-32, 61-64, and 92-95 without traverse. The October 17, 2002 Office Action rejected claims 29-32, 61-64, and 92-95 under 35 U.S.C. § 103(a) as being unpatentable over Mankovitz (U.S. Patent No. 5,134,719) and Nakata (U.S. Patent No. 5,930,690). These rejections are respectfully traversed.

Claims 29-32, 61-64 and 92-95 are directed towards systems and methods in which music may be distributed over music channels to users for playback on their music equipment. Each music channel has an associated data stream containing information on a plurality of music programs. Depending on the embodiment, music information may include, for example, track information, title information, artist information, graphics, web links, ordering information or other information related to the music programming carried on the music channel (page 3, line 28 to page 4, line 9).

As recited in independent claims 29, 61 and 92, a "first music program" is obtained from a "first music channel." The first music program is played by the user's music equipment. *"While the first music program is being played",* music information on a "second music program" is obtained from a "data stream associated with the first music channel" and is displayed by the user's music equipment. One advantage of this approach is that it allows users to listen to one music program while viewing the music information for another music program. This lets the user know, for example, what is coming up on the music channel, while listening to the current program.

Applicant respectfully submits that Mankovitz does not disclose the claimed feature of "displaying the music information on the second music program ... *while the first music program is being played* by the user music equipment," as recited in independent claims 29, 61 and 92. In FIG. 4, which is cited by the Office Action, the displayed music information is for the *current* music program - not a second music program. See col. 3, lines 15-20 (the displayed text is of the "musical selection").

Combining Nakata with Mankovitz does not make up for this deficiency. Nakata allows for the display of one of two types of information while music is being played: (a) information related to the *current* music program played through speakers 26a and 26b (see col. 6, lines 40-50; col. 41, lines 16-25); and (b) *information unrelated to music programs* (i.e., not music information), such as traffic information, weather forecasts, stock market information, foreign currency exchange information, and the like (col. 4, lines 24-30). It does not disclose, or suggest, displaying music information for a second music program on a music channel while a first is being played.

Independent claims 29, 61, and 92 are therefore patentable over Mankovitz, whether alone or in combination with Nakata. Claims 30-32, 62-64, and 93-95, which depend from claims 29, 61, and 92, respectively, are therefore also patentable.¹ *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). This application is therefore in condition for allowance. Reconsideration and allowance of this application is respectfully requested.

ADDITIONAL REMARKS

Applicant has amended claim 92 in order to correct a typographical error. No new matter is added by this amendment.

Applicant returns sheet 3 of Form PTO 1449 to the Examiner for consideration. The reference cited on sheet 3 has neither been initialed to indicated consideration, nor has a line been drawn through the citation to indicate non-conformance and non-consideration. Applicant respectfully

¹ Claims 30-32, 62-64, and 93-95, which depend from claims 29, 61, and 92, respectively, include additional features that also make these claims patentable. Applicant reserves the right to argue the patentability of these claims separately should prosecution continue.

requests that the Examiner consider the citation on sheet 3 of Form PTO 1449, and return the form with the next communication to applicant.

Respectfully submitted,



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APPENDIX TO REPLY TO OCTOBER 17, 2002 OFFICE ACTION

This appendix presents the amendments that have been made in bracket-and-underline format.

Claim 92 has been amended as follows:

92. (Amended) A method in a television and music distribution system in which music is distributed over a plurality of music channels to a number of users for playing by their user music equipment, wherein each music channel has an associated data stream containing information on a plurality of music programs, the method comprising the steps of:

obtaining a first music program carried on a first of the plurality of music channels and [for] obtaining the music information on a second music program from the data stream associated with the first music channel while the first music program is being played by the user music equipment;

using an interactive music application implemented at least in part on the user music equipment to direct the obtaining of the music information on the second music program; and

displaying the music information on the second music program using the interactive music application while the first music program is being played by the user music equipment.